

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2024-008

COMPLAINT FORM

COMPLAINANT: State Ethics Commission

ADDRESS: 201 Executive Center Drive
Suite 120
Columbia, SC 29210

TELEPHONE NUMBER: 803-253-4192

TITLE:

RESPONDENT: Charles A. Montgomery

ADDRESS: [REDACTED]

TELEPHONE NUMBER: 843-487-5703

TITLE: Gaffney City Councilmember

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

Upon information and belief, during a November 6, 2023 Gaffney City Council meeting, Respondent stated “[g]o vote yes tomorrow” in reference to a bond referendum for Cherokee County School District, which serves the majority of the City of Gaffney, in violation of Section 8-13-765 and/or Section 8-13-1346 of the Ethics Act.

If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me Meghan Dayson Walker who, first being duly sworn, says that he/she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
24th day of January, 2024

[REDACTED]
Meghan Dayson Walker, Executive Director

[REDACTED]
Notary Public for South Carolina

My Commission expires 01/22/26

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192

ELECTRONIC COPIES WILL NOT BE ACCEPTED

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2024-008)

State Ethics Commission)
Complainant.)

NOTICE OF HEARING

Charles A. Montgomery)
Respondent.)

The State Ethics Commission has determined that there is probable cause pursuant to Section 8-13-320(10)(i), Code of Laws, South Carolina, 1976, as amended, in the above-captioned complaint. The State Ethics Commission will, therefore, convene a formal hearing into the matters, in accordance with Section 8-13-320(10)(i) & (j), Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.) on Thursday, October 17, 2024 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegation will be heard:

COUNT ONE
USE OF PUBLIC RESOURCES TO INFLUENCE AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Charles A. Montgomery, City of Gaffney Council Member, did in Richland County, use public time at the November 6, 2023 Gaffney City Council meeting to influence the outcome of a November 7, 2023 bond referendum for Cherokee School District 1, in violation of Section 8-13-1346.

You have the right to be represented by counsel, the right to call and examine witnesses,

the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing will be open to the public as required by Section 8-13-320(10)(j), Code of Laws, South Carolina, 1976, as amended. The procedures to be followed are set forth in the Administrative Procedures Act, Section 1-23-10, et seq., Code of Laws, South Carolina, 1976, as amended, the State Ethics Act, Section 8-13-100, et seq., Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.).

A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 20th day,
of March 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT Charles A. Montgomery, P.O. Box 1062, Gaffney, SC 29342 by depositing said **NOTICE OF HEARING** in the United States mail, 304 Jersey Street, Laurens, South Carolina 29360 on this 29th day of March 2024, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Rachael O'Bryan, Administrative Assistant
State Ethics Commission

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2024-008)	
)	
State Ethics Commission,)	CONSENT ORDER
Complainant,)	
)	
Charles A. Montgomery,)	
Respondent.)	
_____)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on January 24, 2024. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Charles A. Montgomery (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all relevant times, Respondent was a member of Gaffney City Council (Council).
2. During a November 6, 2023 Council meeting, Respondent encouraged voters to “vote yes tomorrow,” referring to a Cherokee County School District bond referendum appearing on the November 7, 2023 ballot.
3. On January 31, 2024, Respondent admitted to Commission staff that he encouraged voters to votes “yes” during the Council meeting.

CONCLUSIONS OF LAW

Based upon the Statements of Fact, the Commission concludes, as a matter of law:

1. At all times relevant, Respondent was a “public official” pursuant to Section 8-13-1300(28).
Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1346(A) provides that a “person may not use or authorize the use of public funds, property, or time to influence the outcome of an election.”
3. Section 8-13-320 allows the Commission to assess a civil penalty of no more than \$2,000.00 for each violation of the Ethics Act.
4. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1346(A) for using public time in an attempt to influence an election. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states this was his first time holding office and that he made the statement in ignorance. Respondent further asserts that he takes full responsibility for violating the Ethics Act and that he will not make the same mistake again.

DISPOSITION

1. The Commission finds Respondent in violation one (1) count of violating Section 8-13-1346(A).
2. The Commission adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues this Public Reprimand and orders Respondent to pay the Commission, within six (6) months from receipt of this Order, an administrative fee of \$500.00. The Commission declines to assess a civil penalty.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$500.00 in the event he does not make payment as provided for in this Order, in which

case the Commission shall file a Judgment against Respondent with the County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$500.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 9th DAY OF August 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


CHARLES A. MONTGOMERY
RESPONDENT